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No. 06-97

IN THE

Supreme Court of the United States

STOLT-NIELSEN S.A.,
STOLT-NIELSEN TRANSPORTATION GROUP LTD.,
AND RICHARD B. WINGFIELD,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

BRIEF OF THE INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS AS AMICUS CURIAE IN SUPPORT OF PETITIONERS

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AUGUST 21, 2006

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UNITED STATES OF AMERICA,

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On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

MOTION OF THE INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS FOR LEAVE TO FILE AN AMICUS BRIEF IN SUPPORT OF PETITIONERS

THE NATURE OF MOVANT'S INTEREST

For the reasons stated in the accompanying brief and statement of interest of the amicus curiae, the International Association of Independent Tanker Owners (INTERTANKO) respectfully moves pursuant to Supreme Court Rule 37 to file the accompanying brief amicus curiae. INTERTANKO sought the consent of the United States on August 21, 2006 and received the consent of Petitioners on August 18, 2006.

Respectfully submitted,

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August 21, 2006

INTEREST OF AMICUS CURIAE[1]

1. This Amicus Curiae Brief is filed by the International Association of Independent Tanker Owners (INTERTANKO), two petitioners in this matter, Stolt-Nielsen, being members of INTERTANKO.

2. INTERTANKO is an unincorporated, not for profit association that has registered offices in London, Oslo, Singapore and Arlington (VA, USA). Its principal offices are in London and Oslo. Membership of INTERTANKO is open to independent tanker owners and operators of oil and chemical tankers, i.e. non-oil companies tanker owners. Independent owners operate some 80% of the world's tanker fleet and the vast majority are INTERTANKO members. As of August 2006, the organisation has 254 members, whose combined fleet comprises more than 2,500 tankers totalling 217 million tons deadweight, amounting to nearly 75% of the world's independent tanker fleet of those companies with 1m dwt or more. INTERTANKO's associate membership stands at 310 companies with an interest in shipping of oil and chemicals.

3. INTERTANKO has a vision of a professional, efficient and respected industry, that is dedicated to achieving safe transport, cleaner seas and free competition. INTERTANKO as a non-governmental organisation has observer status at the International Maritime Organisation (IMO) and is an active participant at the IMO meetings.

4. The Shipping industry by its very nature is a truly global business that operates in a myriad of jurisdictions. The industry is the workhorse of the global economy. Furthermore it is essential for ship operators that rules and regulations

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[1] Pursuant to Sup. Ct. R. 37.6, no counsel for a party in this case authored this brief in whole or in part, and no monetary contribution to the preparation or submission of the brief was made by any person other than the *amicus curiae*.

follow the due process of law in whichever jurisdiction they operate. INTERTANKO and its members seek to uphold the highest standards and to follow laws and regulations promulgated whether internationally, regionally or by individual States. INTERTANKO and its members expect that decisions of administrations follow the due process of law.

5. The petition for certiorari filed in this matter raises an important issue as to whether the due process of law has been followed by the United States Department of Justice (Antitrust Division). Equal treatment and protection under the law from arbitrary government action is a principle that all INTERTANKO members subscribe to. INTERTANKO supports the clarification sought by the petitioners and therefore files this amicus curiae brief.

Respectfully submitted,

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